

1/21/85 Amended.
See Ordinance 99.

ORDINANCE NO. 92

AN ORDINANCE TO REGULATE GAMES OF AMUSEMENT

WHEREAS certain commercial establishments have or will offer games of amusement for use of the public at large for a fee and will attract young school children to the establishments during school hours, have or will become centers of boisterous activities, places for idlers and loiterers to congregate, and the public ways adjacent to such businesses have or will become littered with bicycles and debris left by frequenters of such establishments, all to the annoyance and detriment of nearby businesses and residences, and

WHEREAS at times such establishments may become overcrowded, interfering with the safety of the occupants of such establishments, and the noise and activity will be a nuisance to neighboring residences and businesses, and

WHEREAS parents, teachers and members of the clergy stress the belief and concern that such activity encourages a false sense of values among our youth and detracts from constructive programming and projects in which school-age children could be involved, and

WHEREAS the Village Board of the Village of Oconomowoc Lake believes further that the operation of games of amusement offered to the public for a fee involving chance or skill or reward, encourages gaming which is not always in the best interests of the Community or its residents, and

WHEREAS the conduct of some of those patronizing businesses which offer games of amusement to the public for a fee is of special concern to the law enforcement officials of the Village, and

WHEREAS the Village Board of the Village of Oconomowoc Lake believes that for all of the reasons herein above enumerated, the operation of such businesses in the Village of Oconomowoc Lake must be regulated in order to protect and preserve the public health, safety and welfare;

NOW, THEREFORE, at a regular meeting of the Village Board of the Village of Oconomowoc Lake, held on 12/19, 1983, a quorum being present and a majority of the Board voting therefor, said Board does ordain as follows:

1. LICENSE REQUIRED

No person, firm or corporation shall, within the Village of Oconomowoc Lake, operate a business offering to

the public an opportunity to use games of amusement without first having procured a license so to do as provided in this article. A license shall be required for each stand, place, room or enclosure except that one license may be granted for an entire premise where the rooms or enclosures are in direct connection or communication or contiguous to each other and under the control and in the possession of the licensee and operated by the licensee as one premise.

2. GAMES OF AMUSEMENT - DEFINITION

Games of amusement shall include, but not be limited to, video machines, pinball, fooseball, or bowling machines, darts, electronic dart ball, pool, billiards, and other similar amusement devices or games of skill which the public is invited to use or operate for a fee.

3. APPLICATION

An application for a license shall be filed with the Village Clerk on forms to be furnished by the Clerk, which forms shall require the following information:

- A. Name and address of applicant;
- B. In case of a partnership, the names and addresses of all partners shall be included;
- C. In case of a corporation, the names and addresses of all officers, directors and stockholders;
- D. In the case of clubs, associations or other organizations, the names and addresses of all officers;
- E. Whether or not the person or persons named in the application have ever been convicted of any violation of Federal, State or Municipal Law;
- F. The location of the premises to be licensed and the name and address of the owner or owners of said premises;
- G. The number of games, machines, tables, or amusement devices to be located upon the premises to be licensed.

4. LICENSE FEE

An annual license fee of \$40.00 for each game, machine, table or amusement device provided by the licensee of the premises for use or operation by the public shall be paid to the Village by the licensee. Each game, machine, table or amusement device under current license shall be tagged to verify current licensing. Only those games, machines, tables or amusement devices which are offered to the public to use for a fee need be so tagged. The verification tag shall be furnished to the operator by the Village. Licenses shall be issued annually commencing on July 1st and terminating on June 30th of the succeeding year unless sooner revoked. License fees shall not be prorated.

5. APPROVAL OF LICENSE

A. All licenses herein provided for shall be issued by the Village Board upon recommendation of the Chief of Police and Fire and upon payment of the required license fee.

B. Such license shall bear the date of issue, the name of the licensee, the purpose for which issued and the location of the room or building wherein the licensee is authorized to carry on and conduct such business. Such license shall not be transferable by the holder to any other person, firm or corporation, but such license may be transferred by the holder to another location provided that the licensee shall make written application for such transfer to the Village Clerk and such transfer is approved by the Village Board. A transfer fee of \$25.00 shall be paid by the applicant.

C. A license issued to a partnership shall not be voided by the withdrawal of a partner so long as one of the original partners remains. A new license shall be required if a new partner becomes a member, unless he already holds a license. A license issued to a corporation shall be voided if an unqualified person becomes a principal officer or stockholder owning 20% or more of the capital stock in the corporation. All changes in the membership of a partnership or all changes in the identity of the principal officers or stockholders owning 20% or more of the capital stock of a corporation shall be reported to the Village Clerk within ten days after they occur.

D. The Chief of Police of the Village shall make an investigation of all persons named in an application for a license and report his findings to the Village Clerk.

E. The license shall not be issued if the applicant, or any partner, or the principal officer, or any stockholder holding more than 20% of the capital stock of the corporation, if applicant is a corporation:

1. Is not of good moral character;
2. Is under 18 years of age.

6. DENIAL OF APPLICATION

The application for a license may be denied as to a particular location within the Village whenever the Village Board finds that because of the location and physical layout of the premises and the layout characteristics, it would be against the health, safety or general welfare of the public to permit the operation of amusement games for public use for a fee. The Village Board shall consider whether the granting of a license:

A. Will have a substantial adverse effect upon the public health of the persons living in the immediate neighborhood; or,

B. Will have a substantial adverse effect upon the safety of the persons living in the immediate neighborhood; or

C. Will cause a substantial depreciation in the value of the property in the immediate neighborhood; or

D. Will have a substantial adverse effect upon the convenience of the immediate neighborhood; or

E. Will constitute a public or private nuisance; or

F. Is not in the best interest of the community in that it is not compatible with good planning development of the area.

7. REVOCATION OF LICENSE

The Village Board of the Village of Oconomowoc Lake suspend or revoke any license issued pursuant to this article, at any time, for any reasonable cause, which shall be in the best interests and good order of the Village, provided that the licensee shall be accorded due process of law.

8. CONDUCT OF BUSINESS AND MISCELLANEOUS REGULATIONS

A. In no event shall card playing be permitted on such licensed premises even if such card playing is for social purposes.

B. Rooms in which games of amusement are located and used by the public shall, at all times, be kept in a clean, healthful and sanitary condition with ample and approved lighting and ventilation in accordance with Village Code requirements and as hereinafter set forth.

C. There shall be conspicuously posted and displayed in any premises licensed under this article, the license issued pursuant to this article and a notice indicating the maximum number of people allowed on the premises at any one time.

D. No person, while using or operating a game of amusement or while on the licensed premises, shall gamble or make any bets.

E. No person, while in the premises licensed hereunder, shall have in his possession any intoxicating liquor or fermented malt beverage unless the operator of the premises has obtained a Class "B" fermented malt beverage or intoxicating liquor license from the Village.

F. Any licensed business offering the use of games of amusement to the public for a fee shall have a person who is 21 years of age or older on the premises and supervising at all times the use of such games during all hours of operation.

G. No person under the age of 18 years shall be permitted on the licensed premises where the use of games of amusement is offered to the public for a fee before the hour of 3:00 p.m. on any day the Oconomowoc Public Schools are in session unless accompanied by his parent or legal guardian.

H. No person under the age of 18 years shall be permitted on the licensed premises where the use of games of amusement is offered to the public for a fee after the hour of 11:00 p.m. on any day unless accompanied by his parent or legal guardian.

I. The licensee of the premises shall provide a minimum unobstructed area of two feet perpendicular to the front of each game, device, machine or table for customers to stand while using same; in addition, an unobstructed aisle for the safe passage of customers of at least three

feet shall be provided in front of each game, device, machine or table.

J. No more than one person for each 30 square feet of floor area shall be allowed in the licensed premises at any one time.

K. The licensed premises shall be constructed in such a manner as to prevent sound from the premises to travel or be emitted to any adjacent or adjoining property, including property next to, above or below the licensed premises.

L. The licensee of the premises shall provide lighting sufficient to allow the person in charge of the establishment to observe the activities of all customers at all times from any place in the licensed premises.

M. The licensed premises located at street grade shall afford front-window treatment of such a design as to allow clear observation of the interior of the premises from the public way at all times.

N. The licensee of the premises shall provide a bicycle storage area sufficient to take care of the needs of all customers, which shall be located off of the public way.

9. LOCATION OF BUSINESS

No license shall be granted to any person, firm or corporation to operate a business offering to the public an opportunity to use games of amusement for a fee, which is located within 300 feet from the boundary of a parcel of real estate having situated on it a school, church, public library, park or public playground; provided, however that any duly issued license for the operation of a business which offers use of games of amusement to the public for a fee in force as of the effective date of this ordinance will be continued from year-to-year upon payment of the required annual license fee and upon compliance with all other provisions of this article. However, any change in ownership of a licensed business offering the use of games of amusement to the public for a fee or any change of location of said business within the Village will remove said business operation from this exception. "Change in ownership" in the case of a partnership or corporation for the purpose of this subsection, means more than a 50% change in partners or shareholders from the partners or shareholders owning the partnership or corporation as of the effective date of this ordinance.

10. EXEMPTIONS

Exempted from the provisions of this article shall be:

A. Educational, religious, charitable institutions and fraternal organizations which prohibit use of games of amusement on their premises by the general public and are non-profit organizations.

B. Those places of business and institutions which provide games of amusement for use on an occasional basis. "Occasional basis" is defined herein as no more than three times per year.

C. Class B licensed premises which offer the use of less than five games of amusement.

Should any section or portion thereof of this ordinance be held unlawful and unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specific section or portion thereof directly specified in the decision, and all other sections or portions thereof of this ordinance shall remain in full force and effect.

All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

This ordinance shall be in force and take effect from and after its passage and publication as required by law.

PASSED AND ADOPTED this 19th day of December, 1983, by the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin.

William F. Roberts

President

Countersigned:

Gene Perkins

Clerk

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING
ORDINANCE 92

To Regulate Games of Amusement

The undersigned, being first duly sworn, on oath deposes and states that on January 20, 1984, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the above ordinance in the following public places in said Village, to-wit:

(1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club.

(2) At the entrance to the Village Hall on West Pabst Road.

(3) At the northeast corner of the junction of County Trunk Highway "P" (West Beach Road) and the private drive (South Beach Road) leading into the Borisch, Loeser, Morsell, et al properties.

Richard Biehl

Subscribed and sworn to before me
this 20th day of January, 1984.

Jane Perkins
Notary Public, Waukesha County, Wisconsin
My commission expires: June 28, 1987